



February 20, 2004

ENGROSSED HOUSE BILL No. 1061

DIGEST OF HB 1061 (Updated February 19, 2004 10:45 am - DI 106)

Citations Affected: IC 34-11; noncode.

Synopsis: Statute of limitations. Provides that a civil action based on an allegation of childhood sexual abuse must be brought within 2 years of the discovery of the cause of action, but before the child becomes 31 years of age.

Effective: July 1, 2004.

Dickinson, Orentlicher, Budak

(SENATE SPONSOR — SIMPSON)

January 20, 2004, read first time and referred to Committee on Judiciary.
January 29, 2004, amended, reported — Do Pass.
February 2, 2004, read second time, ordered engrossed.
February 3, 2004, engrossed.
February 5, 2004, read third time, passed. Yeas 74, nays 19.

SENATE ACTION

February 10, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.
February 19, 2004, amended, reported favorably — Do Pass.

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EH 1061—LS 6715/DI 106+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1061

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-11-2-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 13. (a) As used in this section, "childhood sexual**
4 **abuse" means sexual conduct (as defined in IC 35-42-4-4(a))**
5 **involving a child less than sixteen (16) years of age and an adult at**
6 **least eighteen (18) years of age.**
7 **(b) A civil action based on an allegation of childhood sexual**
8 **abuse must be brought within two (2) years after the discovery of**
9 **the cause of action. However, the cause of action must be brought**
10 **before the child becomes thirty-one (31) years of age.**
11 SECTION 2. [EFFECTIVE JULY 1, 2004] IC 34-11-2-13, as
12 added by this act, applies to an act that occurs after June 30, 2004.

EH 1061—LS 6715/DI 106+



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1061, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "may" and insert "**must**".

Page 1, line 8, delete "at any time." and insert "**before the child becomes thirty-one (31) years of age.**".

Page 1, delete lines 12 through 17.

Delete page 2.

and when so amended that said bill do pass.

(Reference is to HB 1061 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 9, nays 2.

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COMMITTEE REPORT

Madam President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred House Bill No. 1061, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete "IC 35-42-4-4" and insert "**IC 35-42-4-4(a)**".

Page 1, line 5, delete "eighteen (18)" and insert "**sixteen (16)**".

Page 1, line 8, after "brought" insert "**within two (2) years after the discovery of the cause of action. However, the cause of action must be brought**".

Page 1, line 11, delete "causes of action accruing" and insert "**an act that occurs**".

and when so amended that said bill do pass.

(Reference is to HB 1061 as printed January 30, 2004.)

LONG, Chairperson

Committee Vote: Yeas 7, Nays 0.

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